

UNITED STATES DISTRICT COURT

Southern District Of California

Office Of The Clerk

880 Front Street, Room 4290

San Diego, California 92101-8900

Phone: (619) 557-5600

Fax: (619) 702-9900

FILED

2007 SEP 10 P 4:15

RICHARD W. WIEKING

CLERK

U.S. DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

W. Samuel Hamrick, Jr.

Clerk of Court

CR - 07 - 00544 - JW

RICHARD W. WIEKING

CLERK

U.S. DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Clerk, U.S. District Court  
Northern District of California  
5123 Robert F. Peckham Federal Building and United States Courthouse  
280 South First Street  
San Jose, CA 95113-3002

Re: 07mj1888-BLM, USA v. Miguel Angel Martinez-Mendoza

Dear Clerk of the Court:

Enclosed please find copies of the following documents in connection with removal proceedings conducted in this District regarding the above named defendant:

<input checked="" type="checkbox"/> Docket Sheet	<input checked="" type="checkbox"/> Warrant of Removal
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Order of Removal
<input type="checkbox"/> Minute Order Appointing Counsel	<input type="checkbox"/> Detention Order
<input type="checkbox"/> Corporate Surety Bond	<input type="checkbox"/> Waiver of Removal
<input type="checkbox"/> Personal Surety Bond	
<input type="checkbox"/> Other _____	

Please acknowledge receipt of the above documents on the enclosed copy of this letter.

Sincerely yours,

W. Samuel Hamrick, Jr.  
Clerk of Court

By:   
L Odierno, Deputy Clerk

Arrest on Out-of-District Offense

**UNITED STATES DISTRICT COURT****SOUTHERN DISTRICT OF CALIFORNIA**

2007 AUG -6 PM 3:25

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**ARREST ON OUT-OF-DISTRICT OFFENSE**

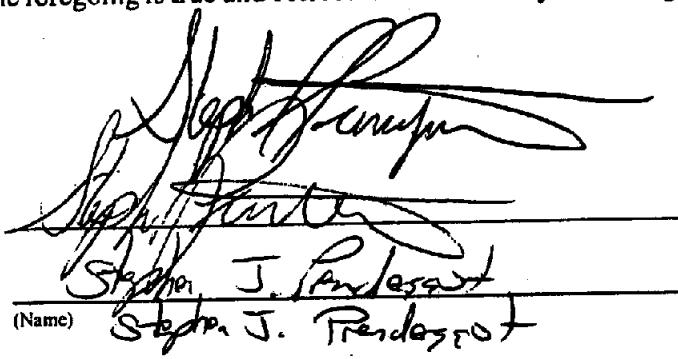
AO DEPUTY

Magistrate Case Number 07 MJ 1888

The person charged as Miguel Angel MARTINEZ-Mendoza now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Northern District of California with Unlawful re-entry into the United States after deportation without the permission of the Attorney General, in violation of Title 8, United States Code, 1326

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 8/6/07


Stephen J. Presdorff  
 (Name) Stephen J. Presdorff

Reviewed and Approved:

Dated: 8/6/07


Caroline J. L. (Caroline Johnson)  
 Assistant United States Attorney

I hereby attest and certify on 9/6/07 That the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By  Deputy

AO 442 (Rev. 5/93) Warrant for Arrest

FILING

United States District Court  
Northern District of California

UNITED STATES OF AMERICA,

v.

WARRANT FOR ARREST

07 70402 RS

MARTINEZ-Mendoza, Miguel Angel

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest MARTINEZ-Mendoza, Miguel Angel

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

( Indictment  Information  Complaint  
 Order of Court  Violation Notice  Probation Violation Petition

charging him or her with

unlawful re-entry into the United States after deportation without the permission of the Attorney General  
in violation of Title 8 United States Code, Section(s) 1326

Richard Seeborg

Name of Issuing Officer



Signature of Issuing Officer:

U.S. Magistrate Judge

Title of Issuing Officer

July 9, 2007, San Jose, CA

Date and Location

Bail fixed at \$ No Bail

by Richard Seeborg

Name of Judicial Officer

JUN 39 12:47

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
RECEIVED  
MAIL

RETURN

This warrant was received and executed with the arrest of the above-named defendant at MARTINEZ-Mendoza

Date received	Name and Title of Arresting Officer	Signature of Arresting Officer
Date of Arrest	LAW OFFICES OF RICHARD SEEBOORG ATTORNEY ON THIS PROB	

E-FILING

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

20 JUL -9 P 2:11

UNITED STATES OF AMERICA

RICHARD W. WIERING  
CLERK  
U.S. DISTRICT COURT  
W.D. CALIFORNIA

v.

CRIMINAL COMPLAINT

MARTINEZ-Mendoza, Miguel Angel

(Name and Address of Defendant)

On

07 70402  
CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than May 22, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Benjamin T. Kimerer  
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof:  Yes  No

Signature of Complainant

Sworn to before me and subscribed in my presence.

7-9-07

Date

at

San Jose, California

City and State

Richard Seeborg  
United States Magistrate Judge  
(Name & Title of Judicial Officer)

Signature of Judicial Officer

**RE: MARTINEZ-Mendoza, Miguel Angel A92 033 665**

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. MARTINEZ-Mendoza is a 35-year-old male who has used eight (8) aliases and two (2) dates of birth in the past.
- (2) Mr. MARTINEZ-Mendoza has been assigned one (1) Alien Registration number of A92 033 665, FBI number of 130556NA3, California Criminal Information Index number of A08390527, and a California Department of Correction number F41608.
- (3) Mr. MARTINEZ-Mendoza is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on four (4) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
November 1, 1996	Calexico, CA
November 23, 2002	Laredo, TX
July 26, 2003	San Ysidro, CA
April 26, 2005	San Ysidro, CA

- (4) Mr. MARTINEZ-Mendoza last entered the United States at or near San Ysidro, CA on or after April 26, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. MARTINEZ-Mendoza on a date unknown, but no later than May 22, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 22, 2007, Mr. MARTINEZ-Mendoza was interviewed by Immigration Enforcement Agent (IEA) Alejandro Felix at the CTF-Soledad State Prison, Soledad, CA, and during that interview, Mr. MARTINEZ-Mendoza was advised of his Miranda rights in English. Mr. MARTINEZ-Mendoza waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportations, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: MARTINEZ-Mendoza, Miguel Angel A#2 033 665

- (6) Mr. MARTINEZ-Mendoza was, on July 26, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of RECEIVE STOLEN PROPERTY, a felony, in violation of Section 496.1 of the California Penal Code, and was sentenced to one hundred eighty (180) days in jail.
- (7) Mr. MARTINEZ-Mendoza was, on November 16, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of CARRY CONCEALED WEAPON ON PERSON VEHICLE, a misdemeanor, in violation of Section 12025 of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (8) Mr. MARTINEZ-Mendoza was, on November 20, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of UNLAWFUL TAKING OF A VEHICLE, a felony, in violation of Section 10851.A of the California Vehicle Code, and was sentenced to three (3) years with the California Youth Authority.
- (9) Mr. MARTINEZ-Mendoza was, on January 22, 1999, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of BURGLARY, a felony, in violation of Section 459 of the California Penal Code, and was sentenced to one hundred twenty (120) days in jail.
- (10) Mr. MARTINEZ-Mendoza was, on June 7, 2002, convicted in the United States District Court, Western District of Texas, for the offense of ILLEGAL RE-ENTRY, in violation of 8 United States Code Section 1326, and was sentenced to eight (8) months.
- (11) Mr. MARTINEZ-Mendoza was, on June 02, 2003, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11377(a) of the California Health and Safety Code, and was sentenced to three hundred sixty five (365) days in jail.
- (12) Mr. MARTINEZ-Mendoza was, on July 16, 2004, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of CARRY A DIRK OR DAGGER, a felony, in violation of Section 12020(a)(4) of the California Penal Code, and was sentenced to two (2) years in prison.
- (13) Mr. MARTINEZ-Mendoza was, on October 12, 2005, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.

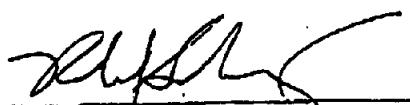
**RE: MARTINEZ-Mendoza, Miguel Angel A92 033 665**

- (14) Mr. MARTINEZ-Mendoza was, on July 13, 2006, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF FIREARM BY A FELON, an aggravated felony, in violation of Section 12021(a)(1) of the California Penal Code, and was sentenced to two (2) years in prison.
- (15) On the basis of the above information, there is probable cause to believe that Mr. MARTINEZ-Mendoza illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 9<sup>th</sup> day of July, 2007.



RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

CALIFORNIA

APPEARANCE

Case Number: 07mj1888

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for

MIGUEL ANGEL MARTINEZ-MENDOZA

I certify that I am admitted to practice in this court.

8/9/2007

Date

/s/ ERICK L. GUZMAN

Signature

Erick L. Guzman/Federal Defenders of SD

244391

Print Name

Bar Number

225 Broadway, Suite 900

Address

San Diego, CA 92101

City

State

Zip Code

(619) 234-8467

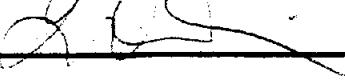
(619) 687-2666

Phone Number

Fax Number

I hereby attest and certify on 8-9-07  
That the foregoing document is a full, true and correct  
copy of the original [redacted]  
copy.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By  Deputy

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 ) Case No. 07mj1888  
                                )  
v.                            )  
                                ) CERTIFICATE OF SERVICE  
MIGUEL ANGEL MARTINEZ-MENDOZA, )  
                                )  
Defendant.                 )  
                                )

---

Counsel for Defendant certifies that the foregoing pleading, is true and accurate to the best of his information and belief, and that a copy of the foregoing Defendant's Notice of Appearance has been electronically served this day upon:

United States Attorney's Office  
880 Front Street  
San Diego, CA 92101

and a copy mailed to:

Miguel Angel Martinez-Mendoza  
Defendant

Dated: August 9, 2007

/s/ Erick L. Guzman  
ERICK L. GUZMAN  
Federal Defenders  
225 Broadway, Suite 900  
San Diego, CA 92101-5030  
(619) 234-8467 (tel)  
(619) 687-2666 (fax)  
[erick\\_guzman@fd.org](mailto:erick_guzman@fd.org)

**MINUTES OF THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

U.S.A. vs. Miguel Angel Martinez-Mendoza No. 07MJ1888

HON. Barbara Lynn Major Tape No. BLM07-1; 10:44-11:37

Asst. U.S. Attorney Caleb Mason PTSO

**PROCEEDINGS:** In Chambers  In Court  By Telephone

Removal/ID hearing held. Government Witness: Agent Jack McCormak C/S/T. Governments exhibits # A-F marked & Received into evidence- see attached exhibit list. Defendants exhibit #1 identified.

Court find that the defendant here today which is charged in the Indictment out of the Northern District of California, and based upon the evidence presented in court that the defendant is the person charged in the Northern District of California. Court ordered that the defendant be removed forthwith by the U.S. Marshals. Warrant of Removal filed with the court.

Governments exhibits # A-F were returned to AUSA.

Date 8/28/07

IF

**Deputy's Initials**

I hereby attest and certify on 9-10-97  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

**CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

By \_\_\_\_\_ Deputy \_\_\_\_\_

**MINUTES OF THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**EXHIBIT LIST**

USA

VS

Miguel Angel Martinez-Mendoza

X Plaintiff          Defendant          Court    Type of Hearing: Removal/ID Hearing  
Case Number: 07MJ1888

Warrant of Removal (After Hearing)

UNITED STATES OF AMERICA

v.

MIGUEL ANGEL MARTINEZ-MENDOZA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA **FILED**2007 AUG 29 AM 9:06  
Magistrate CaseNo. C 07-191888 DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**WARRANT OF REMOVAL**  
**(After Hearing) DEPUTY**

To: United States Marshal

An indictment having been filed in the Northern District of California, charging defendant **MIGUEL ANGEL MARTINEZ-MENDOZA**, with unlawful re-entry into the United States after deportation without the permission of the Attorney General, in violation of Title 8, United States Code, Section 1326, and the above-named defendant having been arrested in this district and, after a hearing pursuant to Federal Rules of Criminal Procedure 5(c) and 5.1(a), having been committed by a United States Magistrate Judge to your custody pending his removal to that district,

You are hereby commanded to commit the above-named defendant forthwith to the Northern District of California and there deliver him to the United States Marshal for that district or to some other officer authorized to receive him.

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
AUG 29 2007  
RECEIVED  
Barbara L. Major  
Barbara L. Major

Dated at San Diego, California, this 28<sup>th</sup> day of August, 2007.RETURN

Northern District of California (at San Jose) ss

Received the within warrant of removal the \_\_\_\_\_ day of \_\_\_\_\_, 2007, and  
executed same.

I hereby attest and certify on 9-6-07  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIABy R. L. Major Deputy

U. S. Marshal

By \_\_\_\_\_ Deputy Marshal

CLOSED

**U.S. District Court  
Southern District of California (San Diego)  
CRIMINAL DOCKET FOR CASE #: 3:07-mj-01888-BLM All  
Defendants  
Internal Use Only**

Case title: USA v. Martinez-Mendoza

Date Filed: 08/07/2007

Date Terminated: 08/28/2007

---

Assigned to: Magistrate  
Judge Barbara Lynn Major

**Defendant**

**Miguel Angel Martinez-  
Mendoza (1)**  
*TERMINATED: 08/28/2007*

represented by **Federal Defenders**  
Federal Defenders of San  
Diego  
225 Broadway  
Suite 900  
San Diego, CA 92101-5008  
(619)234-8467  
Fax: (619)687-2666  
Email: cassd\_ecf@fd.org  
*TERMINATED: 08/09/2007*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE  
NOTICED**  
*Designation: Public Defender  
or Community Defender  
Appointment*

I hereby attest and certify on 9/16/07  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By [Signature] Deputy

**Erick Guzman**  
Federal Defenders  
225 Broadway

Suite 900  
San Diego, CA 92101  
(619)234-8467  
Email: erick\_guzman@fd.org

*LEAD ATTORNEY  
ATTORNEY TO BE  
NOTICED  
Designation: Public Defender  
or Community Defender  
Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level  
(Opening)**

None

**Disposition**

**Terminated Counts**

None

**Highest Offense Level  
(Terminated)**

None

**Disposition**

**Complaints**

8:1326 - Unlawful re-entry  
into the US after deportation  
without the permission of the  
Attorney General

**Plaintiff**

USA

represented by **U S Attorney CR**  
**U S Attorneys Office**  
**Southern District of**  
**California**  
**880 Front Street**  
**Room 6293**  
**San Diego, CA 92101**  
**(619)557-5610**  
**Fax: (619)557-5917**  
**Email:**  
**Efile.dkt.gc2@usdoj.gov**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE**  
**NOTICED**  
*Designation: Assistant United States Attorney*

Date Filed	#	Docket Text
08/06/2007	•1	OUT OF DISTRICT COMPLAINT as to Miguel Angel Martinez-Mendoza (1). (av1) (Entered: 08/07/2007)
08/06/2007	•	Arrest of Miguel Angel Martinez-Mendoza (kaj) (Entered: 08/08/2007)
08/07/2007	•2	Minute Entry for proceedings held before Magistrate Judge Barbara Lynn Major:Initial Appearance as to Miguel Angel Martinez-Mendoza held on 8/7/2007, dft informed of charges, Federal Defenders appointed for Miguel Angel Martinez-Mendoza, no bail set, Removal/ID Hearing set for 8/21/2007 09:00 AM in Courtroom F before Magistrate Judge Nita L. Stormes. (Tape #BLM07-1;1:59-2:07).(Plaintiff Attorney Joseph Orabona, AUSA).(Defendant Attorney Jason Ser, FD). (kaj) (Entered: 08/08/2007)
08/09/2007	•3	NOTICE OF ATTORNEY APPEARANCE: Erick

		Guzman appearing for Miguel Angel Martinez-Mendoza (Attachments: # 1 Proof of Service) (Guzman, Erick) (Entered: 08/09/2007)
08/21/2007	•4	Minute Entry for proceedings held before Magistrate Judge Nita L. Stormes :Removal/ID Hearing as to Miguel Angel Martinez-Mendoza not held on 8/21/2007. Removal/ID Hearing continued to 8/28/2007 09:00 AM before Magistrate Judge Barbara Lynn Major. (Tape #NLS07-9:12 to 9:15)(Plaintiff Attorney Caleb Mason, AUSA)(Defendant Attorney Erick Guzman, FD-N/A; Kris Kraus, FD-S/A) (gep) (Entered: 08/21/2007)
08/28/2007	•5	Minute Entry for proceedings held before Judge Barbara Lynn Major :Removal/ID hearing held. Government Witness: Agent Jack McCormak C/S/T. Governments exhibits # A-F marked and Received into evidence-see attached exhibit list. Defendants exhibit #1 identified. Court find that the defendant here today is charged in the Indictment out of the Northern District of California, and based upon the evidence presented in court that the defendant is the person charged in the Northen District of California. Court Ordered that the defendant be removed forthwith by the U.S. Marshals. Warrant of Removal filed with the Court. Governments exhibits # A-F were returned to AUSA. (Tape #BLM07-1:10:44-11:37). (Plaintiff Attorney Caleb Mason, AUSA).(Defendant Attorney Erick Guzman, FD). (lao) (Entered: 09/06/2007)
08/29/2007	•6	WARRANT of Removal to Northern District of California Issued as to Miguel Angel Martinez-Mendoza. (lao) (Entered: 09/06/2007)